



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/698,186 | 10/31/2003 | Zheng Fang | BCS03164 | 9902 |
| 43471 | 7590 | 12/28/2007 | EXAMINER | |
| Motorola, Inc. Law Department 1303 East Algonquin Road 3rd Floor Schaumburg, IL 60196 | | | BURGESS, BARBARA N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2157 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 12/28/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,186

Applicant(s)

FANG ET AL.

Examiner

Barbara N. Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 26-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to amendment filed October 5, 2007. Claims 20-25, 28-30 have been cancelled as requested by Applicant. Claims 1-19, 26-27 are presented for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 15-16, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Juszkiewicz (hereinafter "Jus", US Patent Publication 2005/0027888 A1).

As per claim 1, Jus discloses a method of monitoring network connectivity between a home network device and a network, comprising:

determining status of a network connection on a physical data link between said home network device and said network (Jus teaches appliances and devices in the home connected via a MaGIC data link, a high-speed network connection for communication of digital audio data between devices. A network status module is provided at the device to provide indication of the status of the network connection to the device;

paragraphs [0028, 0031, 0415, 0423]);

generating a visual indicator at said home network device indicative of said status of said network connection (Jus teaches an LED at the networked device to show the status of the network connection. A blue LED is activated if the network connection is active. If the connection is inactive, the LED is not activated. If the network is active, but the connection is incorrect, the LED will blink; paragraphs [0423, 0425]).

As per claim 15, Jus discloses the method of claim 1, wherein said home network device includes at least one light-emitting diode (LED), and wherein said step of generating comprises:

configuring said at least one LED to display said visual indicator (Jus teaches an LED at the networked device to show the status of the network connection. A blue LED is activated if the network connection is active. If the connection is inactive, the LED is not activated. If the network is active, but the connection is incorrect, the LED will blink; paragraphs [0423, 0425]):

As per claim 16, Jus discloses the method of claim 15, wherein said visual indicator is defined by at least one of a color configuration of said at least one LED and a frequency of light emission of said at least one LED (Jus teaches an LED at the networked device to show the status of the network connection. A blue LED is activated if the network connection is active. If the connection is inactive, the LED is not activated. If the network is active, but the connection is incorrect, the LED will blink; paragraphs [0423,

Art Unit: 2157

0425]).

As per claim 26, Jus discloses a computer readable carrier including program instructions that instruct a computer to perform a method of:

determining status of a network connection on a physical data link between said home network device and said network (Jus teaches appliances and devices in the home connected via a MaGIC data link, a high-speed network connection for communication of digital audio data between devices. A network status module is provided at the device to provide indication of the status of the network connection to the device; paragraphs [0028, 0031, 0415, 0423]); and

generating a visual indicator at said home network device indicative of said status of said network connection (Jus teaches an LED at the networked device to show the status of the network connection. A blue LED is activated if the network connection is active. If the connection is inactive, the LED is not activated. If the network is active, but the connection is incorrect, the LED will blink; paragraphs [0423, 0425]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2157

4. Claims 2-4, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juszkiewicz (hereinafter "Jus", US Patent Publication 2005/0027888 A1) in view of Pitsoulakis (hereinafter "Pit", US Patent Publication 2003/0035471 A1).

As per claim 2, Jus discloses the method of claim 1. Jus does not explicitly disclose wherein at least a portion of said network is a wide area network, and wherein said home network device is an access point to said wide area network for a local area network disposed in a small office/home office (SOHO) environment.

However, in an analogous art, Pit discloses an access device in a home network providing Internet access to multiple users simultaneously. For small office networks, the access device provides multiple LAN options with multiple interfaces. For home office or telecommunicating, the access device provides VPN, separate fax and voice lines and bring PBX functions (paragraphs [0031-0032, 0038-0039, 0084]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Pit's at least a portion of said network is a wide area network, and wherein said home network device is an access point to said wide area network for a local area network disposed in a small office/home office (SOHO) environment in Jus's method in order to provide Internet access to multiple users simultaneously over a single telephone line while retaining the benefit of bringing voice service to the home on the same telephone line as the Internet services (see Pit, paragraph [0038]).

Art Unit: 2157

As per claim 3, Jus does not explicitly disclose the method of claim 2, wherein said wide area network is in communication with the Internet.

However, the use and advantages of a wide area network in communication with the Internet is well-known to one of ordinary skill in the art as evidenced by Pit (paragraphs [0031, 0038, 0043, 0057]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Pit's wide area network in communication with the Internet in Jus's method providing remote access to Internet appliances (See Pit, paragraph [0057]).

As per claim 4, Jus does not explicitly disclose the method of claim 2, wherein said network connection facilitates communication between said home network device and a host on said wide area network.

However, the use and advantages of facilitating communication between said home network device and a host on said wide area network is well-known to one of ordinary skill in the art as evidenced by Pit (paragraphs [0038-0039, 0083-0084]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Pit's network connection facilitates communication between said home network device and a host on said wide area network in Jus's method enabling the user to connect to a website for Internet services (See Pit, paragraph [0083]).

Art Unit: 2157

As per claim 14, Jus, in view of Pit, discloses the method of claim 2.

Jus further discloses further comprising:

determining status of a local network connection on a local physical data link between said home network device and said local area network (Jus teaches appliances and devices in the home connected via a MaGIC data link, a high-speed network connection for communication of digital audio data between devices. The MaGIC system is actually a local area network. A network status module is provided at the device (CED) to provide indication of the status of the network connection to the device; paragraphs [0028, 0031, 0405, 0410, 0415, 0423]); and

generating another visual indicator at said home network device indicative of said status of said local network connection (Jus teaches an LED at the networked device to show the status of the network connection. A blue LED is activated if the network connection is active. If the connection is inactive, the LED is not activated. If the network is active, but the connection is incorrect, the LED will blink; paragraphs [0423, 0425]).

5. Claims 5-6, 12, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juskiewicz (hereinafter "Jus", US Patent Publication 2005/0027888 A1) in view of Pitsoulakis (hereinafter "Pit", US Patent Publication 2003/0035471 A1) and in further view of McCosh et al. (hereinafter "McCosh", US Patent Publication 2003/0204611 A1).

As per claim 5, Jus, in view of Pit, discloses the method of claim 4.

Jus, in view of Pit, does not explicitly disclose wherein said determining step comprises: sending an echo request over said network connection from said home network device to said host; and monitoring said network connection for an echo reply from said host in response to said echo request.

However, in an analogous art, McCosh teaches a communication tester (home network device) used at a home or office to verify operational connectivity with the DHCP server. The tester sends an ICMP echo request packet to the device (host) on the network. The echo request requests the device (host) to retransmit the packet back to the test. The device (host) responds with the echo reply representing proper connectivity (paragraphs [0014, 0025, 0030-0032]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate McCosh's sending an echo request over said network connection from said home network device to said host and monitoring said network connection for an echo reply from said host in response to said echo request in Jus's method enabling verification of operational connectivity with the DHCP server and conveniently and efficiently verifying DHCP conductivity with a server system (see McCosh, paragraphs [0014-0015]).

As per claim 6, Jus, in view of Pit, does not explicitly disclose the method of claim 5, wherein said network connection is implemented using a transmission control

Art Unit: 2157

protocol/internet protocol (TCP/IP), and wherein said echo request is sent using an internet control message protocol (ICMP).

However, in an analogous art, McCosh teaches the communication tester relates to testing devices enabling TCP/IP communication. The tester sends ICMP echo request packet (paragraphs [0002, 0025, 0030]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate McCosh's network connection is implemented using a transmission control protocol/internet protocol (TCP/IP), and wherein said echo request is sent using an internet control message protocol (ICMP) in Jus's method enabling verification of operational connectivity with the DHCP server and conveniently and efficiently verifying DHCP conductivity with a server system (see McCosh, paragraphs [0014-0015]).

As per claim 12, Jus, in view of Pit, discloses the method of claim 4, wherein said step of determining comprises:

monitoring data traffic between said home network device and said host over said network connection (Pit teaches an access device (home network device) monitoring its connection with Ethernet hubs, DSL lines, etc; paragraphs [0038-0039, 0083-0084]).

Jus, in view of Pit, does not explicitly disclose:

in response to absence of said data traffic, sending an echo request over said network connection from said home network device to said host; and

in response to said echo request, monitoring said network connection for an echo reply

Art Unit: 2157

from said host.

However, in an analogous art, McCosh teaches the communication tester relates to testing devices enabling TCP/IP communication. The tester sends ICMP echo request packet and receives echo reply packets (paragraphs [0002, 0025, 0030]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate McCosh's sending an echo request over said network connection from said home network device to said host and in response to said echo request, monitoring said network connection for an echo reply from said host in Jus's method enabling verification of operational connectivity with the DHCP server and conveniently and efficiently verifying DHCP conductivity with a server system (see McCosh, paragraphs [0014-0015]).

As per claim 27, Jus discloses the computer readable carrier of claim 26.

Jus, in view of Pit, discloses wherein at least a portion of said network is a wide area network, wherein said home network device is an access point to said wide area network for a local area network disposed in a small office/home office (SOHO) environment, said network connection facilitating communication between said home network device and a host on said wide area network (Pit discloses an access device in a home network providing Internet access to multiple users simultaneously. For small office networks, the access device provides multiple LAN options with multiple interfaces. For home office or telecommunicating, the access device provides VPN,

separate fax and voice lines and bring PBX functions (paragraphs [0031-0032, 0038-0039, 0084]).

Jus, in view of Pit, does not explicitly disclose wherein said determining step comprises: sending an echo request over said network connection from said home network device to said host; and monitoring said network connection for an echo reply from said host in response to said echo request.

However, in an analogous art, McCosh teaches a communication tester (home network device) used at a home or office to verify operational connectivity with the DHCP server. The tester sends an ICMP echo request packet to the device (host) on the network. The echo request requests the device (host) to retransmit the packet back to the test. The device (host) responds with the echo reply representing proper connectivity (paragraphs [0014, 0025, 0030-0032]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate McCosh's sending an echo request over said network connection from said home network device to said host and monitoring said network connection for an echo reply from said host in response to said echo request in Jus's method enabling verification of operational connectivity with the DHCP server and conveniently and efficiently verifying DHCP conductivity with a server system (see McCosh, paragraphs [0014-0015]).

Art Unit: 2157

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Juszkievicz (hereinafter "Jus", US Patent Publication 2005/0027888 A1) in view of Pitsoulakis (hereinafter "Pit", US Patent Publication 2003/0035471 A1) in further view of McCosh et al. (hereinafter "McCosh", US Patent Publication 2003/0204611 A1) and in further view of Lamberton et al. (hereinafter "Lamb", US Patent Publication 2002/0091813 A1).

As per claim 7, Jus, in view of Pit and McCosh, discloses the method of claim 5.

Jus, in view of Pit and McCosh, does not explicitly disclose further comprising periodically repeating said step of sending an echo request.

However, in an analogous art, Lamb teaches regularly polling devices over IP networks by issuing a so called PING command to the device that must be polled by performing an ICMP echo request, echo reply test (paragraph [0016]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Lamb's periodically repeating the step of sending an echo request in Jus's method in order to prove that the corresponding device is indeed still connected (see Lamb, paragraph [0016]).

7. Claims 8, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juszkievicz (hereinafter "Jus", US Patent Publication 2005/0027888 A1) in view of Pitsoulakis (hereinafter "Pit", US Patent Publication 2003/0035471 A1) in view of

Art Unit: 2157

McCosh et al. (hereinafter "McCosh", US Patent Publication 2003/0204611 A1) and in further view of Beser et al. (hereinafter "Beser", US Patent 6,754,622 B1).

As per claim 8, Jus, in view of Pit and McCosh, discloses the method of claim 5 wherein said visual indicator is displayed in a first format in response to presence of said echo reply (McCosh teaches the communication tester receiving the echo reply and the display of the tester is updated to indicate proper communication; see McCosh, paragraph [0031]).

Jus, in view of Pit and McCosh, does not explicitly disclose wherein said visual indicator is displayed in a second format in response to absence of said echo reply.

However, in an analogous art, Beser teaches the output of the PING being a message indicating that an ICMP echo request timed out when the utility detected no ICMP echo reply message (column 29, lines 37-41).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Beser's visual indicator is displayed in a second format in response to absence of said echo reply in Jus's method indicating that the utility detected no echo reply (see Beser, column 29, lines 39-41).

As per claim 13, Jus, in view of Pit and McCosh, discloses the method of claim 12, wherein said visual indicator is displayed in a first format in response to presence of at least one of said data traffic and said echo reply (McCosh teaches the communication

tester receiving the echo reply and the display of the tester is updated to indicate proper communication; see McCosh, paragraph [0031]).

Jus, in view of Pit and McCosh, does not explicitly disclose wherein said visual indicator is displayed in a second format in response to absence of both said data traffic and said echo reply.

However, in an analogous art, Beser teaches the output of the PING being a message indicating that an IMCP echo request timed out when the utility detected no IMCP echo reply message (column 29, lines 37-41).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Beser's visual indicator is displayed in a second format in response to absence of both said data traffic and echo reply in Jus's method indicating that the utility detected no echo reply (see Beser, column 29, lines 39-41).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Juskiewicz (hereinafter "Jus", US Patent Publication 2005/0027888 A1) in view of Pitsoulakis (hereinafter "Pit", US Patent Publication 2003/0035471 A1) in view of McCosh et al. (hereinafter "McCosh", US Patent Publication 2003/0204611 A1) and in further view of Franke et al. (hereinafter "Franke", US Patent 6,507,869 B1).

As per claim 9, Jus, in view of Pit and McCosh discloses the method of claim 5.

Art Unit: 2157

Jus, in view of Pit and McCosh, does not explicitly disclose wherein said network connection facilitates communication between said home network device and another host on said wide area network, and wherein said determining step further comprises: in response to absence of said echo reply, sending another echo request over said network connection from said home network device to said other host; and monitoring said network connection for another echo reply from said other host in response to said other echo request.

However, in an analogous art, Franke teaches sending an echo request to one or more host devices. If no reply is received, the echo request is reissued. A reply is waited on from the device (column 8, lines 16-30).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Franke's in response to absence of said echo reply, sending another echo request over said network connection from said home network device to said other host and monitoring said network connection for another echo reply from said other host in response to said other echo request in Jus's method in order for an asset tracking system to discover the list of active hosts and their physical location (see Franke, column 8, lines 13-15).

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Juszkievicz (hereinafter "Jus", US Patent Publication 2005/0027888 A1) in view of Pitsoulakis (hereinafter "Pit", US Patent Publication 2003/0035471 A1) in view of McCosh et al. (hereinafter "McCosh", US Patent Publication 2003/0204611 A1) in

Art Unit: 2157

further view of Franke et al. (hereinafter "Franke", US Patent 6,507,869 B1) and in further view of Beser et al. (hereinafter "Beser", US Patent 6,754,622 B1).

As per claim 10, Jus, in view of Pit, McCosh, and Franke, discloses the method of claim 9, wherein said visual indicator is displayed in a first format in response to presence of at least one of said echo reply and said other echo reply (McCosh teaches the communication tester receiving the echo reply and the display of the tester is updated to indicate proper communication; see McCosh, paragraph [0031]).

Jus, in view of Pit, McCosh, and Franke, does not explicitly disclose wherein said visual indicator is displayed in a second format in response absence of both of said echo reply and said other echo reply.

However, in an analogous art, Beser teaches the output of the PING being a message indicating that an IMCP echo request timed out when the utility detected no IMCP echo reply message (column 29, lines 37-41).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Beser's visual indicator is displayed in a second format in response to absence of said echo reply in Jus's method indicating that the utility detected no echo reply (see Beser, column 29, lines 39-41).

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Juskiewicz (hereinafter "Jus", US Patent Publication 2005/0027888 A1) in view of Pitsoulakis (hereinafter "Pit", US Patent Publication 2003/0035471 A1) in view of

Art Unit: 2157

McCosh et al. (hereinafter "McCosh", US Patent Publication 2003/0204611 A1) in further view of Franke et al. (hereinafter "Franke", US Patent 6,507,869 B1) and in further view of Cox (US Patent Publication 2004/0093619 A1).

As per claim 11, Jus, in view of Pit, McCosh, and Franke, does not explicitly disclose the method of claim 9, wherein said host comprises one of an internet gateway and a domain name server (DNS), and said other host comprises the other of said internet gateway and said DNS.

However, Cox teaches checking the connectivity of Internet Gateway using the ping method (paragraphs [0067-0069]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Cox's host comprises one of an internet gateway and a domain name server (DNS), and said other host comprises the other of said internet gateway and said DNS in Jus's method to perform connectivity checks on the Internet Gateway and perform corrective measures if a failure flag is set (see Cox, paragraph [0070]).

11. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juszkiewicz (hereinafter "Jus", US Patent Publication 2005/0027888 A1) in view of Shen et al. (hereinafter "Shen", US Patent Publication 2004/0139170 A1).

As per claim 17, Jus discloses the method of claim 1.

Art Unit: 2157

Jus does not explicitly disclose wherein said home network device includes at least one web page stored therein, and wherein step of generating comprises:

configuring said at least one web page to display said visual indicator.

However, in an analogous art, Shen teaches maintaining a status webpage generated by the access device. An indicator of the WAN status connection is integrated into the status webpage (paragraphs [0090, 0125]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Shen's configuring said at least one web page to display said visual indicator in Jus's method indicating whether the WAN connection is either active or inactive (see Shen, paragraph [0125]).

As per claim 18, Jus does not explicitly disclose the method of claim 17, wherein said visual indicator is defined by at least one of a graphical attribute, a textual attribute, and a static/dynamic attribute.

However, in an analogous art, Shen teaches a pictorial representation of the webpage that indicates the status of the network connection (paragraphs [0125-0129], Figures 16-17).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Shen's visual indicator is defined by at least one of a graphical attribute, a textual attribute, and a static/dynamic attribute in Jus's method indicating whether the WAN connection is either active or inactive (see Shen, paragraph [0125]).

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Juszkiewicz (hereinafter "Jus", US Patent Publication 2005/0027888 A1) in view of Miesbauer et al. (hereinafter "Mies", US Patent 6,760,767 B1).

As per claim 19, Jus discloses the method of claim 1.

Jus does not explicitly disclose wherein said step of generating comprises:

creating an electronic message for transmission to a computer to display said visual indicator.

However, in an analogous art, Mies teaches providing a connectivity report and status report indicating whether valid connectivity was achieved. These reports in the form of email-notifications (column 9, lines 1-22).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate Mies's creating an electronic message for transmission to a computer to display said visual indicator in Jus's method indicating the status of the checkout and instructing the user/field engineer as to what should be done (see Mies, column 9, lines 12-15).

Response to Arguments

13. Applicant's arguments filed have been fully considered but they are not persuasive.

The Office notes the following argument(s):

Art Unit: 2157

(a) Claims 1 and 26 recite determining the status of a network connection between TWO networks.

(b) Juskiewicz ("Jus") fails to mention determining a status between two networks.

In response to:

(a)-(b) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., determining the status of a network connection between TWO networks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claims 1 and 26 recite "determining status of a network connection on a physical data link between said **home network device** and said **network**".

Examiner thanks Applicant for agreeing that Jus does describe providing a status indication between a network and a consumer electronic device (CED) such as an audio receiver, CD player, DVD player, or set of speakers.

Indeed, Jus teaches a system in which CEDs (listed abover) are connected to a data network. Other CEDs may also be connected to and controlled by the data network.

Jus further teaches a network status module that provides indication of the status of the network connection to the CED (paragraphs [0028, 0031, 0415, 0423]).

Therefore, Jus undoubtedly teaches the claimed limitation "determining status of a network connection on a physical data link between said **home network device** and said **network**".

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

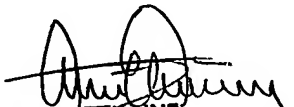
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Barbara N Burgess
Examiner
Art Unit 2157

December 13, 2007


ARLETTE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER